IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

C.O.C.P. No. 350 of 2005.
Date of Decision: September 12, 2006.

Manjit Singh

....**Petitioner**

through
Mr. H.S.Brar, Advocate

Versus

Rajesh Kumar Sharma & Ors.

...**Respondents**
through
Mr. G.S.Cheema, Sr. DAG, Punjab.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

This contempt petition has been filed alleging *inter-alia* that while making arrests of the petitioner and some of his family members/associates on 25th January, 2005 and subsequent thereto, the respondent-police officials disobeyed the law laid down by Hon'ble Supreme Court in the case of D.K.Basu v State of West Bengal, 1997(1) RCR, 373 as also the principles laid down by this Court in the case of Dr.Vaneeta Gupta & Ors. V State of Punjab & Ors. 1998(3) RCR, 110.

While issuing show cause notice, this Court vide order dated 28th March, 2005 directed the Senior Superintendent of Police, Ludhiana to give a report about the allegations made in the petitioner after a proper

inquiry.

In deference to the aforementioned orders, the Senior Superintendent of Police, Ludhiana has forwarded his inquiry report dated 26th September, 2005, relevant part of which reads as follows:-

> ".....The allegations by the petitioner qua beating or manhandling were not established. Petitioner Manjit Singh and his relatives Jagtar Singh and Sahib Singh were duly medically examined after taking preventive action and in the report of medical officer of civil hospital, Ludhiana in the medical report No.E-972/05 dated 26.1.2005 at 3.40 PM of petitioner Manjit Singh 10 simple injuries are listed with in a period of 24 Hrs. Medical Report of Gursahib Singh vide No.E-967/05 at 3.40 PM dated 26.1.2005 indicates only one injury of simple in nature. Report No.960/05 dated 26.1.2005, 3.40 PM of Jagtar Singh also indicates only one injury of simple in nature.
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> 4. Opinion of Medical Officer was sought in inquiry to ascertain the nature of injuries and its duration vide report No.1929, 1930, 1931 dated 16.09.2005 the Medical Officer opined that the injuries may have been sustained during the scuffle.
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> 5. During inquiry it was revealed that ASI Mohinder Singh Investigating Officer of the present case while submitting applications to the Medical Officers for the Medical examination of the arrested persons did not mention their injuries and also did not forward the documents relating to the arrest of above said detainees to the concerned Magistrate of Court of jurisdiction.
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> 6. The petitioners could not prove the presentation of stay order of the court on 25.1.2005. Petitioners could not prove the allegation of manhandling or beating by respondent police personnel. The allegations of not allowing petitioner to meet his counsel was also not

established. Preventive action vide DDR No.27 dated 25.1.2005 was initiated at 10 PM and the Medical examination was done at 3.40 PM dated 26.1.2005 and as per doctor's opinion the injuries were 24 hrs old. So petitioners allegations were not established.

7. The inquiry officer recommended a departmental inquiry against the IO ASI Mohinder Singh for not mentioning the injuries of detainees while making request for the medical examination of detainees and not sending the proper record to the Hon'ble Court of Illaqa Magistrate therefore separate orders for departmental inquiry against ASI Mohinder Singh have been issued".

It may be noticed here that there is a civil dispute in respect of proprietary and possessory rights of House No.287, Model Town, Ludhiana amongst the successors-in-interest of Mangal Singh who was the owner of this house. It appears that civil proceedings between the parties are already pending.

After going through the contents of the inquiry report submitted by the Senior Superintendent of Police, Ludhiana and having regard to the nature of dispute between the parties, more so when the same is already *sub-judice* before the Civil Court and the decision thereof shall have binding effect on both the parties, I do not deem it appropriate to continue with these contempt proceedings which are accordingly dropped with a direction to the SSP, Ludhiana to act upon the recommendations of the Inquiry Officer made against ASI Mohinder Singh, in accordance with law.

Disposed of.

Rule discharged.

September 12, 2006. **(SURYA KANT)**
dinesh **JUDGE**